

**AN ORDINANCE 2006-06-01-0675**

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY  
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED  
DEVELOPMENT CODE, SECTION 35-304, OFFICIAL  
ZONING MAP OF THE CITY CODE OF SAN ANTONIO,  
TEXAS BY CHANGING THE ZONING DISTRICT  
BOUNDARY OF CERTAIN PROPERTY.**

\* \* \* \* \*

**WHEREAS**, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

**WHEREAS**, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 35 acres out of NCB 15825 from "I-1 ERZD" General Industrial Edwards Recharge Zone District, "I-1" General Industrial District, "MF-33 ERZD" Multi-Family Edwards Recharge Zone District and "MF-33" Multi-Family District to "MF-50 ERZD" Multi-Family Edwards Recharge Zone District and "MF-50" Multi-Family District.

**SECTION 2.** A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

**SECTION 3.** This change of zoning district boundary is conditioned on the requirement that the impervious cover on the property described by this ordinance within the Edwards Recharge Zone shall not exceed 50 %.

**SECTION 4.** The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

**SECTION 5.** All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner

must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

**SECTION 6.** Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

**SECTION 7.** All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

**SECTION 8.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 9.** If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

**SECTION 10.** This Ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective June 11, 2006.

**PASSED AND APPROVED** this 1st day of June, 2006.



M A Y O R

PHIL HARDBERGER

ATTEST:

6-15-06



City Clerk

APPROVED AS TO FORM:



For City Attorney

**Z2006061**

**VICKREY & ASSOCIATES, Inc.**  
CONSULTING ENGINEERS

Page 1 of 2  
35.00 ACRES

**PROPERTY DESCRIPTION  
FOR A 35.00 ACRES TRACT**

Being a 35.00 acre (1,524,600 square feet) tract of land situated in the State of Texas, County of Bexar, City of San Antonio, located in the G.F.A. Wrede Survey No. 292, Abstract No. 809, and New City Block 15825, and being part of a 304.560 acre tract as recorded in Volume 2359, Page 0497 of the Official Public Records of Real Property Bexar County, Texas (O.P.R.R.P.B.C.T.), said 35.00 acre tract being more particularly described as follows:

- BEGINNING:** in the east right-of-way of Vance Jackson Road as recorded in Volume 9553, Page 81, of the Deed and Plat Records Bexar County Texas, (D.P.R.B.C.T.), said point also being the most northwest property corner of Lot 2, Block 1, NCB 17401, as recorded in Volume 9553, Page 107, of the (D.P.R.B.C.T.), and the beginning of a curve to the left having a radius of 2993 feet, a central angle of  $04^{\circ} 11' 25''$ , a tangent length of 109 feet, and a chord that bears  $N 22^{\circ} 49' 29'' W$  a distance of 219 feet;
- THENCE:** in a northerly direction along the east right-of-way line of Vance Jackson Road and the arc of the last mentioned curve a distance of 219 feet
- THENCE:**  $N 24^{\circ} 55' 11'' W$  continuing along the east right-of-way line of Vance Jackson Road, a distance of 739 feet to the beginning of a curve to the right having a radius of 25 feet, a central angle of  $91^{\circ} 19' 44''$ , a tangent length of 26 feet, and a chord that bears  $N 20^{\circ} 44' 41'' E$  a distance of 36 feet;
- THENCE:** in a northerly direction continuing along the east right-of-way line of Vance Jackson Road and the arc of the last mentioned curve a distance of 40 feet;
- THENCE:**  $N 23^{\circ} 35' 27'' W$  continuing along the east right-of-way line of Vance Jackson Road, a distance of 86 feet for the northwest corner of the herein described tract;
- THENCE:**  $N 67^{\circ} 56' 43'' E$  departing the east right-of-way line of Vance Jackson Road and continuing through the interior of the said 304.560 acre tract a distance of 244 feet;
- THENCE:**  $N 65^{\circ} 04' 49'' E$  continuing through the interior of the said 304.560 acre tract a distance of 404 feet to the beginning of a curve to the left having a radius of 30 feet, a central angle of  $78^{\circ} 09' 08''$ , a tangent length of 24 feet, and a chord that bears  $N 26^{\circ} 00' 15'' E$  for a distance of 38 feet;
- THENCE:** in a southerly direction continuing through the interior of the said 304.560 acre tract and the arc of the last mentioned curve a distance of 41 feet;
- THENCE:**  $N 13^{\circ} 04' 19''$  continuing through the interior of the said 304.560 acre tract a distance of 407 feet;
- THENCE:**  $N 65^{\circ} 04' 49'' E$  continuing through the said 304.560 acre tract, a distance of 753 feet for the northeast corner of the herein described tract, said point also being in the west right-of-way line of the Southern Pacific Railroad right-of-way as recorded in Volume 51, Page 188 of the (D.P.R.B.C.T.) and the beginning of a curve to the left having a radius of 2241 feet, a central angle of  $02^{\circ} 55' 17''$ , a tangent of 57 feet, and a chord that bears  $N 04^{\circ} 11' 30'' W$  for a distance of 114 feet;

N:\0547-099\Documents\mb ZONING 35 ac 0547-099\_020306

**EXHIBIT A**

12940 Country Parkway

To Ordinance No. \_\_\_\_\_

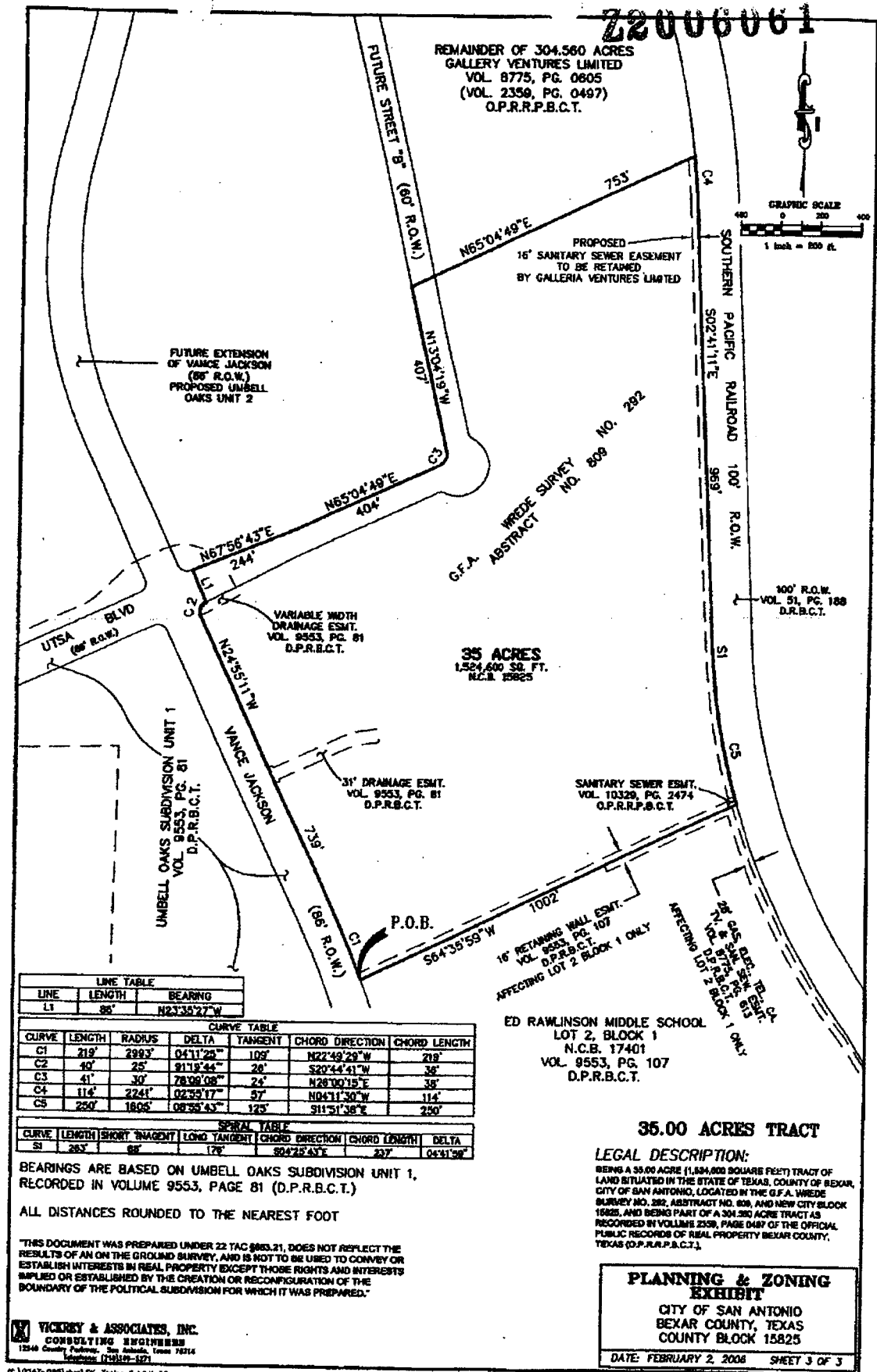
EX 210-349-2561

Passed on June 1, 2006

- THENCE: In a southerly direction along the west right-of-way line of the Southern Pacific Railroad right-of-way and the arc of the last mentioned curve a distance of 114 feet;
- THENCE: S 02° 41' 11" E along the west right-of-way line of the Southern Pacific Railroad right-of-way a distance of 969 feet to the beginning of a spiral curve to the left having a long tangent of 176 feet, a short tangent of 88 feet, a deflection angle of 04° 41' 59", and a chord that bears S 04° 25' 43" E a distance of 237 feet;
- THENCE: in a southerly direction continuing along west right-of-way line of the Southern Pacific Railroad right-of-way and along the arc of the last mentioned spiral curve a distance of 263 feet to the beginning of a curve to the left having a radius of 1605 feet, a central angle of 08° 55' 43", a tangent length of 125 feet, and a chord that bears S 11° 51' 38" E a distance of 250 feet;
- THENCE: in a southerly direction continuing along the west right-of-way line of the Southern Pacific Railroad right-of-way and the arc of the last mentioned curve a distance of 250 feet to the northeast corner of the said Lot 2, Block 1 for the southeast corner of the herein described tract;
- THENCE: S 64° 35' 59" W along the north line of the said Lot 2, Block 1, a distance of 1002 feet to the POINT of BEGINNING, containing 35.00 acres (1,524,600 square feet) of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.





LINE TABLE		
LINE	LENGTH	BEARING
L1	86'	N23°35'27"W

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD DIRECTION	CHORD LENGTH
C1	219'	2983'	04°11'22"	109'	N22°49'29"W	219'
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C3	41'	30'	78°08'08"	24'	N28°00'15"E	38'
C4	114'	2241'	02°55'17"	57'	N04°11'30"W	114'
C5	250'	1806'	08°35'43"	125'	S11°51'38"E	250'

SERIAL TABLE						
CURVE	LENGTH	SHORT TANGENT	LONG TANGENT	CHORD DIRECTION	CHORD LENGTH	DELTA
S1	283'	68'	178'	S04°25'43"E	237'	04°51'58"

BEARINGS ARE BASED ON UMBELL OAKS SUBDIVISION UNIT 1,  
 RECORDED IN VOLUME 9553, PAGE 81 (D.P.R.B.C.T.)

ALL DISTANCES ROUNDED TO THE NEAREST FOOT

M:\Under Development\ASH\_35 ACRE EXHIBIT\_1-30-DRAFTING\_10K

3:55 PM



**VINERY & ASSOCIATES, INC.**  
**CONSULTING ENGINEERS**

**12940 Country Parkway San Antonio, Texas 78216**  
**Telephone: (210) 548-5271**

DATE: 01/30/06

# Agenda Voting Results

**Name:** Z-17.

**Date:** 06/01/06

**Time:** 08:01:45 PM

**Vote Type:** Multiple selection

**Description:** ZONING CASE #Z2006061 (District 8): An Ordinance changing the zoning district boundary from "I-1 ERZD" General Industrial Edwards Recharge Zone District, "I-1" General Industrial District, "MF-33" Multi-Family District and "MF-33 ERZD" Multi-Family Edwards Recharge Zone District to "MF-50 ERZD" Multi-Family Edwards Recharge Zone District and "MF-50" Multi-Family District on 35 acres out NCB 15825, 14200 Block of Vance Jackson as requested by Brown, P. C., Applicant, for Galleria Ventures, Ltd., Owner(s). Staff and Zoning Commission recommend Approval with conditions.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2	Not present			
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR	Not present			

**PROPERTY DESCRIPTION  
FOR A 35.00 ACRES TRACT**

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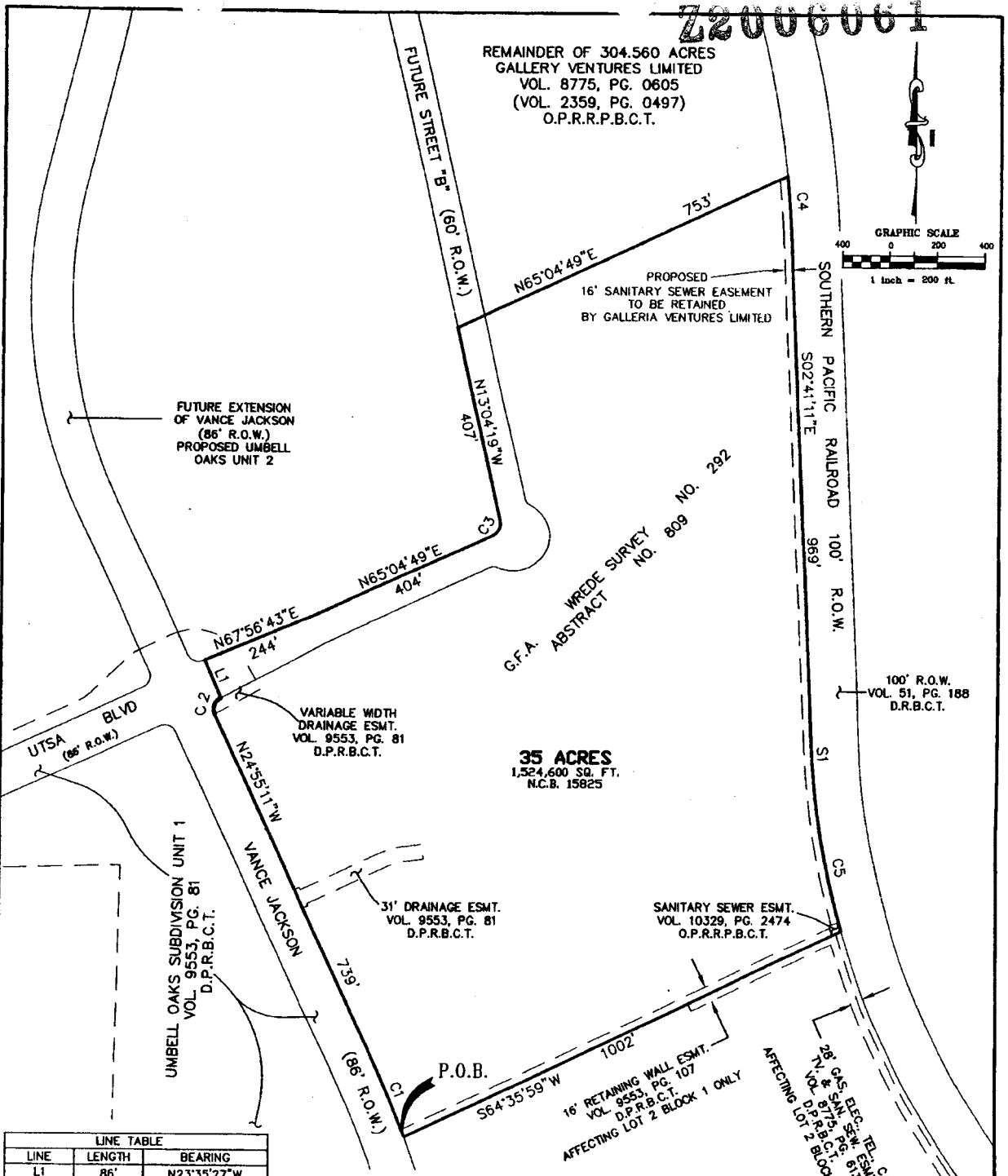
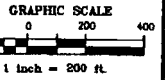
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72006061

REMAINDER OF 304.560 ACRES  
GALLERY VENTURES LIMITED  
VOL. 8775, PG. 0605  
(VOL. 2359, PG. 0497)  
O.P.R.R.P.B.C.T.



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BEARINGS ARE BASED ON UMBELL OAKS SUBDIVISION UNIT 1,  
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"THIS DOCUMENT WAS PREPARED UNDER 22 TAC §863.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

**VICKREY & ASSOCIATES, INC.**  
CONSULTING ENGINEERS  
12940 Country Parkway, San Antonio, Texas 78216  
Telephone: (210)348-3271

ED RAWLINSON MIDDLE SCHOOL  
LOT 2, BLOCK 1  
N.C.B. 17401  
VOL. 9553, PG. 107  
D.P.R.B.C.T.

### 35.00 ACRES TRACT

#### LEGAL DESCRIPTION:

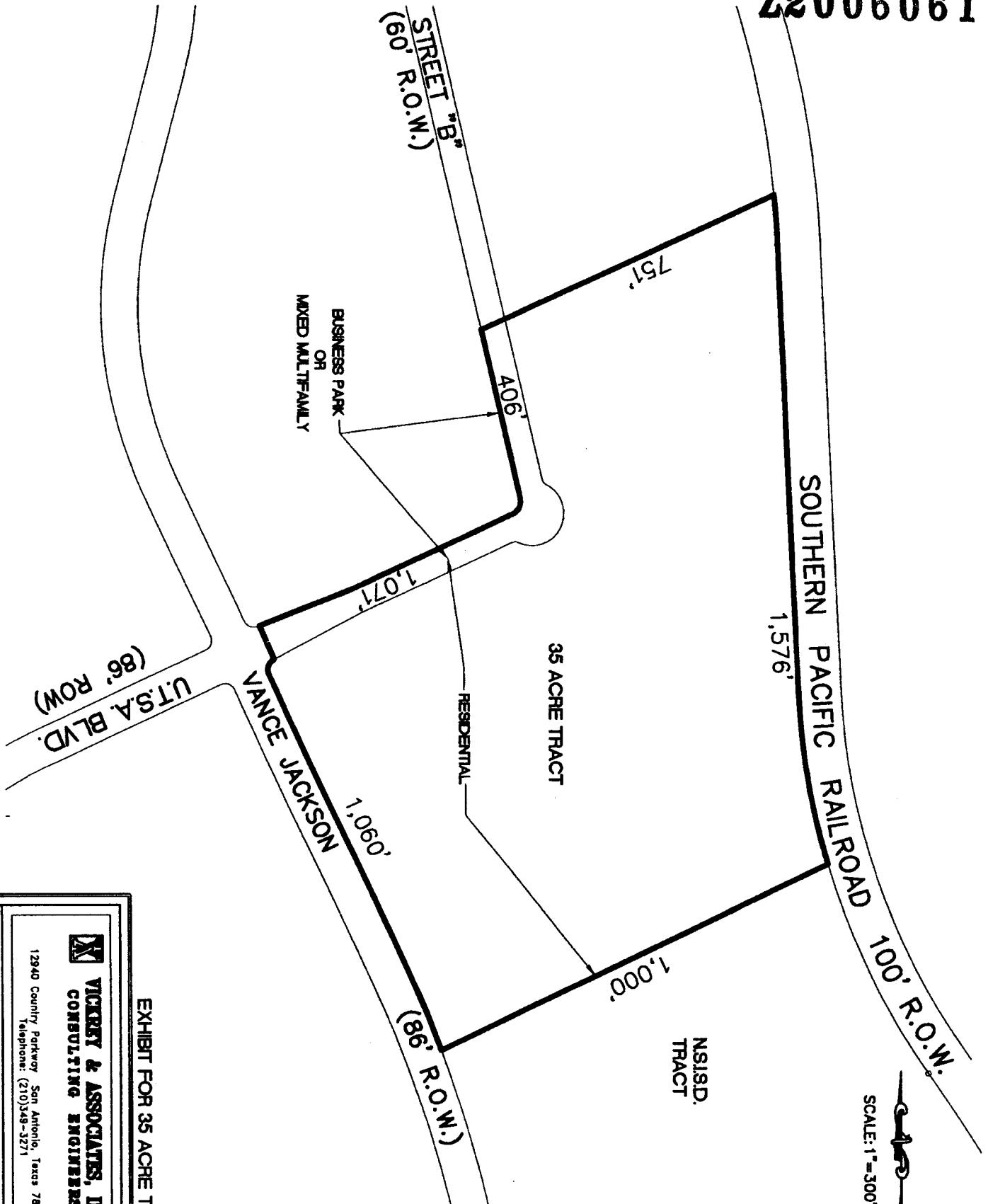
BEING A 35.00 ACRE (1,524,600 SQUARE FEET) TRACT OF LAND SITUATED IN THE STATE OF TEXAS, COUNTY OF BEXAR, CITY OF SAN ANTONIO, LOCATED IN THE G.F.A. WREDE SURVEY NO. 292, ABSTRACT NO. 809, AND NEW CITY BLOCK 15825, AND BEING PART OF A 304.560 ACRE TRACT AS RECORDED IN VOLUME 2359, PAGE 0497 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY BEXAR COUNTY, TEXAS (O.P.R.R.P.B.C.T.).

#### PLANNING & ZONING EXHIBIT

CITY OF SAN ANTONIO  
BEXAR COUNTY, TEXAS  
COUNTY BLOCK 15825

DATE: FEBRUARY 2, 2006 SHEET 3 OF 3

Z2006061



SCALE: 1"=300'

EXHIBIT FOR 35 ACRE TRACT



**VICTORY & ASSOCIATES, INC.**  
CONSULTING ENGINEERS

12940 Country Parkway San Antonio, Texas 78216  
Telephone: (210)348-3271

DATE: 01/30/06

# CASE NO: Z2006061

## Staff and Zoning Commission Recommendation - City Council

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**Date:** June 01, 2006

**Zoning Commission Meeting Date:** May 02, 2006

**Council District:** 8 **Ferguson Map:** 514 E6

**Applicant:** Owner

Brown, P. C. Galleria Ventures, Ltd.

**Zoning Request:** From "I-1 ERZD" General Industrial Edwards Recharge Zone District, "I-1" General Industrial District, "MF-33" Multi-family District and "MF-33 ERZD" Multi-Family Edwards Recharge Zone District to "MF-50 ERZD" Multi-Family Edwards Recharge Zone District and "MF-50" Multi-Family District

35 acres out NCB 15825

**Property Location:** East of the intersection of UTSA Boulevard and Vance Jackson

Intersection of UTSA Boulevard and Vance Jackson

**Proposal:** To Develop an Apartment Community

**Neighborhood Association:** None

**Neighborhood Plan:** None

**Traffic Impact Analysis:**

In 1997 a TIA was submitted, however, the City will require a new TIA for this proposed development. An amended POADP/MDP is needed addressing the 86' ROW extending eastward from Vance Jackson/UTSA Blvd intersection

**Staff Recommendation:**

Approval. The property is located at the intersection of UTSA Boulevard and Vance Jackson. The property was zoned temporary Temp R-1 and rezoned to I-1 on December 5, 1974.

The requested rezoning is a reduction in intensity from I-1 to MF-50. To the north there exists I-1 zoning, however the land is vacant and undeveloped. Railroad tracks are located on the east side of the tract. To the south exists MF-33 zoning. MF-33 zoning at this location acts as a transition from the I-1 zoning to the north. The property is located at the intersection of two major thoroughfares. Multi-family dwellings are most appropriate along arterials or major thoroughfares where supporting infrastructure such as transportation services and commercial facilities are available.

**Zoning Commission Recommendation:**

Approval with SAWS recommendations

**CASE MANAGER :** Richard Ramirez 207-5018

**VOTE**

<b>FOR</b>	10
<b>AGAINST</b>	0
<b>ABSTAIN</b>	0
<b>RECUSAL</b>	0

**Z2006061**

**ZONING CASE NO. Z2006061** – May 2, 2006

Applicant: Brown, P. C.

Zoning Request: "I-1" ERZD General Industrial Edwards Recharge Zone District, "I-1" General Industrial District, "MF-33" Multi Family District and "MF-33" ERZD Multi Family Edwards Recharge Zone District to "MF-50" ERZD Multi-Family Edwards Recharge Zone District.

Ken Brown, 112 E. Pecan, representing the owner, stated D. R. Horton is proposing to develop an apartment community on this 35-acre tract. This development would be a mixed use of townhomes, condominiums and mid rise apartments. He stated they are proposing to develop approximately 700 units at 5 to 6 stories.

Staff stated there were 7 notices mailed out to the surrounding property owners, 0 returned in opposition and 4 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

The motion was made by Commissioner Stribling and seconded by Commissioner McAden to recommend approval including site specific and general recommendations from the SAWS report.

1. Property is located on 35 acres out of NCB 15825 east of the intersection of UTSA Boulevard and Vance Jackson.
2. There were 7 notices mailed, 0 returned in opposition and 4 in favor.
3. Staff recommends approval.

**AYES:** Avila, Robbins, Rodriguez, Gadberry, Sherrill, McAden, Martinez, Stribling, Gray

**NAYS:** None

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.

RECY SERVICES

2006 APR 10 P 1:38

**SAN ANTONIO WATER SYSTEM  
Interdepartment Correspondence Sheet**

**To:** Zoning Commission Members

**From:** Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

**Copies To:** Scott R. Halty, Director, Resource Protection & Compliance Department, Julia I. Mireles, P.E., Mike Barr, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

**Subject:** Zoning Case Z2006061 (Apartment Community)

**Date:** April 4, 2006

**SUMMARY**

A request for a change in zoning has been made for an approximate 35-acre tract located on the city's north side. A change in zoning from **I-1 ERZD and MF-33 ERZD and I-1 to MF-50 ERZD and MF-50** is being requested by the applicant, Brown, P.C., Inc. The change in zoning has been requested to allow for the development of an apartment community.

As of the date of this report, an official request for a category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

**LOCATION**

The subject property is located in City Council District, at the intersection of Vance Jackson and UTSA Blvd. A total of 16.4 acres of the property lies within the Edwards Aquifer Recharge Zone. The remaining 18.6 acres are located on the contributing zone (Figures 1 and 2).

## SITE EVALUATION

### 1. Development Description:

The proposed change is from I-1 ERZD and I-1 to MF-50 ERZD and MF-50 and will allow for the construction of an apartment community. Currently the site is covered in native vegetation and undeveloped.

### 2. Surrounding Land Uses:

The property is bounded to the east by an abandoned quarry. An elementary school is located to the south of the property. Undeveloped land is located to the north and west of the property.

### 3. Water Pollution Abatement Plan:

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to the commencement of construction.

### 4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted a site evaluation, on February 14, 2006, of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Mr. Gregory James, P.G., was present during the site evaluation.

Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Upper Confining Unit and Cyclic and Marine Members of the Edwards Aquifer. The contact between these two members marks the boundary between the Recharge Zone and the Contributing Zone.

The Upper Confining Unit is noted for its lack of permeability and forms the upper confining unit of the Edwards Aquifer. It is 110 to 150 feet thick in full section.

The Cyclic and Marine Member is characterized by both fabric and non-fabric permeability. It is 80 to 90 feet thick in full section.

A fault is mapped in the southeastern portion of the project site. This has the potential to be the most vulnerable portion of the project site. No surface evidence for this fault was observed during the site evaluation, so it must be considered to be an inferred fault. Observation of geologic features was impeded by dense vegetation and alluvium.

No Geologic Assessment was available at the time of the site evaluation. No significant recharge features were observed on the project site.

## **ENVIRONMENTAL CONCERNS**

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

### **General Concerns**

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

## **ENVIRONMENTAL RECOMMENDATIONS**

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

### **Site Specific Recommendations**

1. The impervious cover shall not exceed 68% for the overall 35 acre project site.
2. The land uses within the project site shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at the project site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as not allowed, that land use will not be permitted on the project site.
3. The owner of all water pollution abatement structures shall ensure these structures are properly maintained and kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
4. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas



Department of Agriculture, U.S. Department of Agriculture, shall be used.

5. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.
6. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

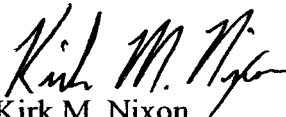
#### **General Recommendations**

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
  - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
  - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
  - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
  - D. A copy of the approved Water Pollution Abatement Plan.
3. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
4. If a water quality basin is constructed on the property, the following is required:
  - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3526 to schedule a site inspection.
  - B. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3526 to schedule a site inspection.

-Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.


- C. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3564 prior to any discharge of water.
  - D. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division of SAWS.
- 5. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
  - 6. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.

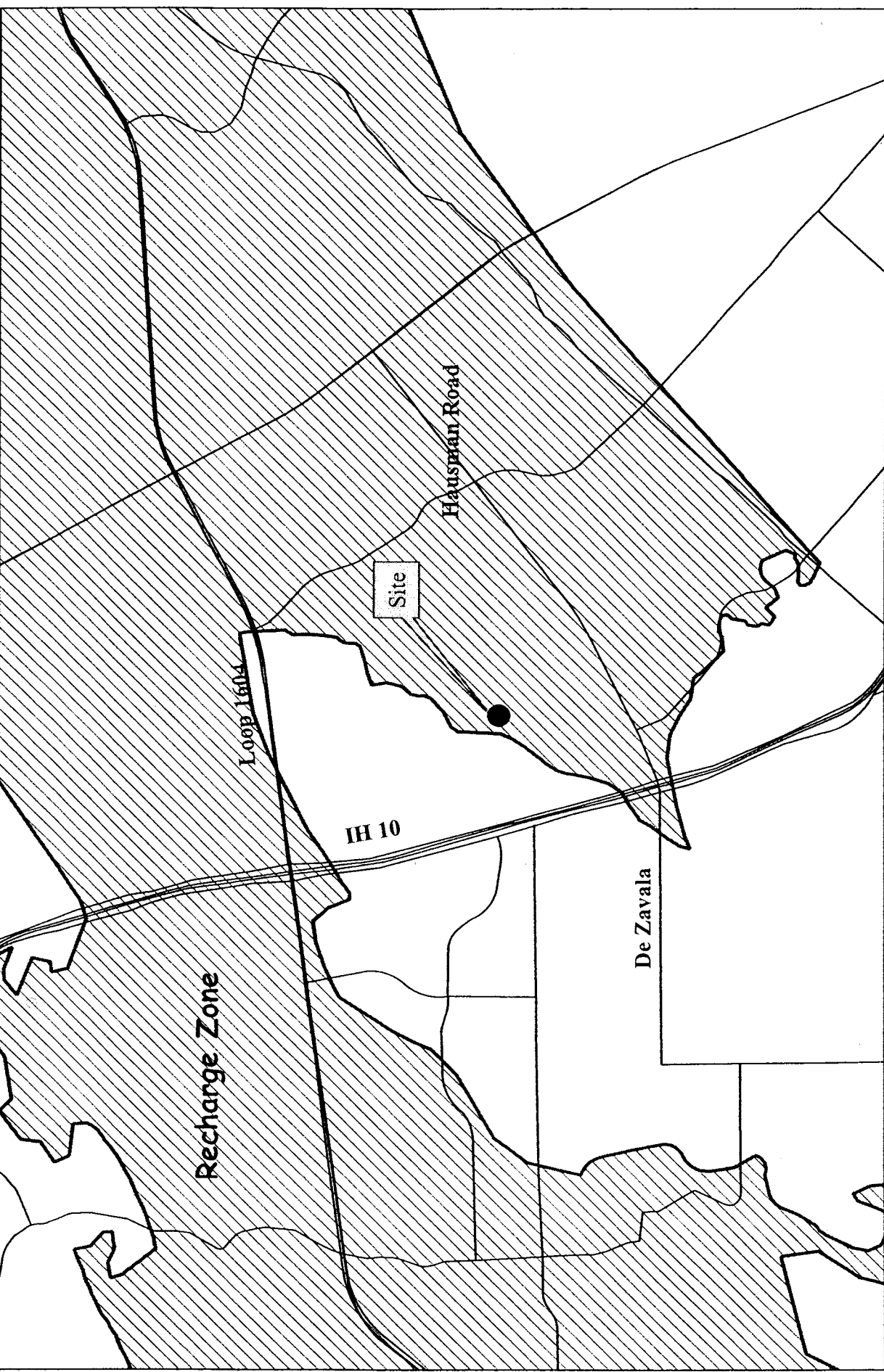
  
Kirk M. Nixon  
Manager

Resource Protection Division

APPROVED:

  
Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:MJB



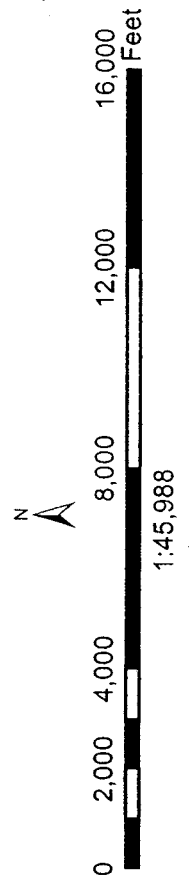
**Zoning Case No. Z2006061 Figure 1**

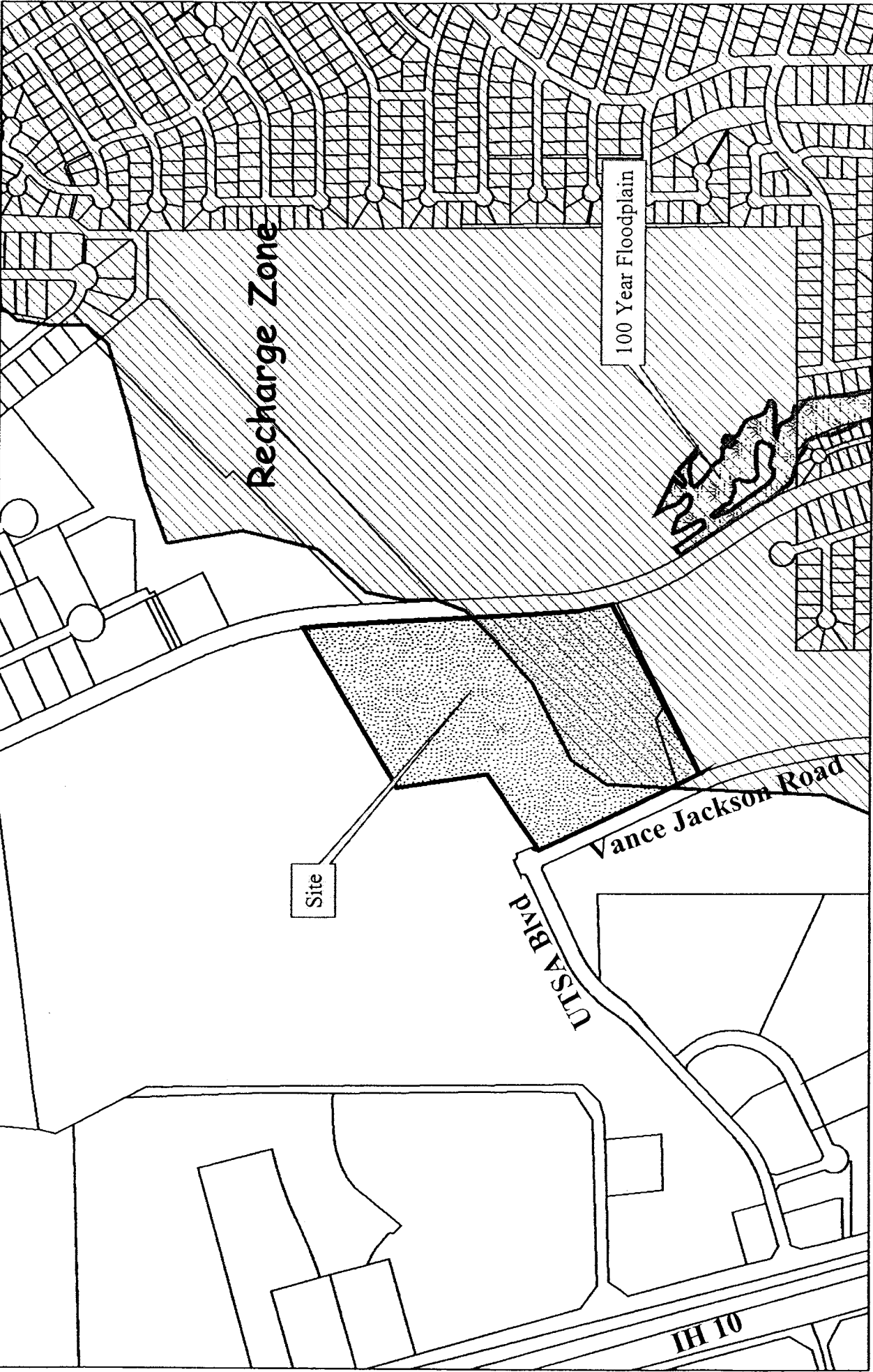
Apartment Community

Map Page 514 E6

X=2100337 Y=13757151

Map Prepared by Aquifer Protection and Evaluation MJB 2/7/2006





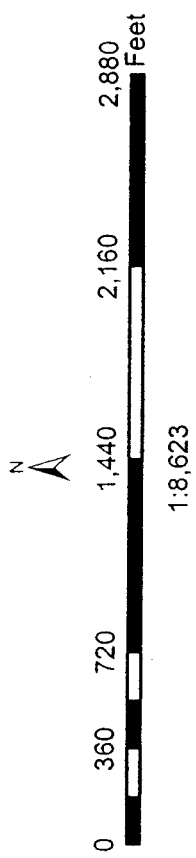
**Zoning Case No. Z2006061    Figure 2**

Apartment Community

Map Page 514 E6

X=2100337 Y=13757151

Map Prepared by Aquifer Protection and Evaluation MJB 2/7/2006





**AN ORDINANCE 2006-06-01-0675**

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OFFICIAL ZONING MAP OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

\* \* \* \* \*

**WHEREAS**, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

**WHEREAS**, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 35 acres out of NCB 15825 from "I-1 ERZD" General Industrial Edwards Recharge Zone District, "I-1" General Industrial District, "MF-33 ERZD" Multi-Family Edwards Recharge Zone District and "MF-33" Multi-Family District to "MF-50 ERZD" Multi-Family Edwards Recharge Zone District and "MF-50" Multi-Family District.

**SECTION 2.** A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

**SECTION 3.** This change of zoning district boundary is conditioned on the requirement that the impervious cover on the property described by this ordinance shall not exceed 55%.

**SECTION 4.** The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

**SECTION 5.** All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner must be submitted to the Resource Protection Division of SAWS. If at any time the ownership

of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

**SECTION 6.** Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

**SECTION 7.** All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

**SECTION 8.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 9.** If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

**SECTION 10.** This Ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective June 11, 2006.

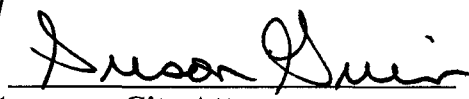
**PASSED AND APPROVED** this 1st day of June, 2006.

ATTEST:

  
City Clerk

  
M A Y O R  
PHIL HARDBERGER

APPROVED AS TO FORM:

  
For City Attorney